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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|------------------------|------------------|
| 09/894,331 | 06/28/2001 | Anders Hejlsberg | MS180586.01/MSFTP298US | 6467 |

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 02/12/2009

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER

JAMES RUTTEN

| ART UNIT | PAPER |
|----------|----------|
| 2192 | 20090210 |

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Commissioner for Patents

This communication is in response to the 2/10/09 Order Returning Undocketed Appeal to Examiner. In the order, it was pointed out that an after Final submission dated 9/6/07 may not have been considered. Accordingly, this communication is provided as a response to the 9/6/07 after Final submission, and to provide a corrected "Status of Amendment" section for the Examiner's Answer dated 5/30/08.

In response to the 9/6/07 after Final submission, it is noted that there were no actual claim amendments, cancellations, or new claims. The claims submitted in the after Final submission (filed 9/6/07) appear to be identical to the previous claims dated 7/24/06. As such, the "amendment" does not serve to (A) remove issues for appeal, and/or (B) adopt examiner suggestions. Therefore, the claims "amendment" is not entered.

In regard to the request for reconsideration presented on pages 7-10 filed 9/6/07, these arguments are essentially identical, with minor differences in wording, to the arguments presented in the 3/4/08 Appeal Brief. These arguments are not persuasive for the same reasons presented in the 5/30/08 Examiner's Answer. For example, on pages 7-10 filed 9/6/07, Applicants essentially argue that prior art of record Call does not disclose "the XML stream includes information from at least two data stores," as claimed in independent claims 1, 16, and 27. This argument was originally addressed on pages 2-3 of the 7/6/07 final Office action which cited the Call reference. A reasonable broad interpretation of the term "data store" allows Call to read on the claims. Further analysis of this and other arguments is provided in the 5/30/08 Examiner's Answer.

Following is a new "Status of Amendments" section of the Examiner's Answer:

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is substantially correct. It is noted that the amendment after final rejection filed on 9/6/07 did not contain any actual amendments, cancellations, or new claims, and has not been entered.

/J. Derek Rutten/
Examiner, Art Unit 2192